

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

MALCOLM WIGGINS,

Plaintiff,

v.

**JOHN BALDWIN, JOSEPH YURKOVICH,
ALFONSO DAVID, DR. APOSTLE,
TAMMY PITTAYATHIHAN, JEFFREY
DENNISON, UNKNOWN PARTY,
JOHN DOE, and UNKNOWN
ORANGE CRUSH MEMBER,**

Defendants.

Case No. 17-cv-583-DRH-DGW

ORDER

HERNDON, District Judge:

Pending before the Court are Plaintiff Malcolm Wiggins' Motion for Leave to File Supplemental Petition (Doc. 89), Motion for Leave to Proceed in Forma Pauperis (Doc. 90), Motion for Appointment of Counsel (Doc. 91) and Motion for Temporary Restraining Order (Doc. 92).

The Court has reviewed the Motion for Leave to File Supplemental Petition and finds it raises unrelated legal claims against new defendants. Despite being titled as a "supplemental petition," after a full review of the documents the Court construes that Wiggins likely intended to file a new cause of action.

Therefore, the Court **ORDERS** that the claim raised in plaintiff's Motion to File Supplemental Petition (Doc. 89) and Docs. 90, 91 and 92, be severed and

filed in a new case bearing a new case number. *George v. Smith*, 507 F.3d 605
(7th Cir. 2007); FED. R. CIV. P. 21.

IT IS SO ORDERED.

David Herndon



Judge Herndon

2018.02.09

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United States District Judge